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Mr. Fred Rondon

ARA/ECA

Department of State

Washington, D. C. 20520

11/16/76  
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CU 157  
ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ( ) Excise ( ) Deny

Buenos Aires

Exemption(s):

November 16, 1976

Declassify: ( ) In Part ☒ In Full

( ) Classify as ( ) Extend as ( ) Downgrade to

Date \_\_\_\_\_ Declassify on \_\_\_\_\_ Reason \_\_\_\_\_

Dear Fred:

I am enclosing Amnesty International's list of persons killed in political strife in Argentina in 1975 and 1976. Father Drinan gave it to Bob Steven during his visit. He said the list is compiled from press sources, which must include underground and foreign press because many of the names and incidents have not been reported locally. Drinan and Lord Avebury presented the 1975 list to officials of Justice, Interior and Foreign Ministries, who were annoyed and indignant about it but took it anyway.

We took advantage of GOA's particular responsiveness during the Drinan visit to resubmit most of the names that have been presented to us during the last year. You have seen some of the replies. There are still a fair number of "No registrados" and I doubt we will get much more information on them.

In several talks with Capitan Seisdedos of the Foreign Ministry's working group on human rights (a very pleasant, agreeable and cooperative fellow whom we will lose soon as he has been reassigned to take his first command sometime early next year), I got the following understanding of how the detention process (the legal one) works: persons are arrested and held on preventative arrest for a period of a week to ten days, or even longer while their cases are being studied. After that time, the person may be released if there is nothing found against him. Otherwise his arrest and detention can be officially decreed by the Executive, and he is detained at the convenience of the Executive. The decree will stipulate that the person has been charged under law 28670 for engaging in subversive or terrorist acts or, somewhat less seriously, under another law for having connections with subversive or terrorist groups, or, possibly, for other more specific crimes. His family is advised and he can receive visits from his immediate family, engage a lawyer, etc. The decrees are generally not published in the Official Bulletin but they are registered at the Interior Ministry.

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There can be quite a lag. In the case of Dora Goldfarb, she was picked up in Mendoza on March 24, but the decree ordering her detention was only dated June 29. As the state of siege permits, she was moved from Mendoza to Villa Devoto prison, apparently without her family's knowledge, but she is now again officially detained and has received a visit from her father.

Under state of siege, the case can remain at that stage for some time. Eventually, the case should be turned over to a judge, usually a civilian criminal court judge, who takes the "processo," conducts an investigation into the charges, hears the defense and eventually makes a ruling and imposes the sentence, if applicable. GOA officials argue that the courts have an enormous backlog going back about 18 months, which is why the cases don't move swiftly to adjudication and resolution.

And so it goes. Friday in comes the parole program crowd.

Hope all is well with you. We are all curious, particularly the Argentines, about what Jimmy Carter will bring for Latin America. The end of the campaign has certainly brought no respite from the number of human rights queries and letters.

Saludos,

Yvonne Thayer

YT:jr

Encl.

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